

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2602 of 2025

Arising Out of PS. Case No.-570 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Munna Mahto S/o Late Tuntun Mahto Resident of Village- Rauja Gaur, P.S.-
G.B. Nagar, Distt- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Dudhnath Ram S/o Late Suhawan Ram Resident of Village- Gaur Rauja,
P.S.- G.B. Nagar, Distt- Siwan

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Pandey, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 17-09-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and perused the case

diary.

2. The instant appeal has been filed by the appellant
against the order dated 12.06.2025 passed by learned Additional
District and Sessions Judge-1-cum-Special Judge, Siwan
whereby the prayer for bail of the appellant in connection with
G.B. Nagar P.S. Case No. 570 of 2024 under Sections 126(2),
115(2), 118, 109, 74, 352, 3(5) of the Bharatiya Nyaya Sanhita,
2023, read with Section 27 of the Arms Act, Sections 3(i)(r), 3(i)
(s) and 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that while the



informant and his daughter were harvesting paddy crops, in the meantime, co-accused Ankit Mahto and Akash Mahto came on a motorcycle, disrobed his daughter and on protest by the informant, they abused and assaulted him by the butt of pistol due to which he sustained injury on head. Thereafter, the appellant along with other co-accused persons armed with various weapons assaulted the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that no specific allegation has been attributed against the appellant rather the same is general and omnibus in nature. Due to land dispute, the instant case has been lodged against the appellant. It is next submitted that specific allegation is against co-accused Ankit Mahto. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 17.04.2025 and has got thirteen criminal antecedents in which he is on bail.



5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 12.06.2025 passed by learned Additional District and Sessions Judge-1-cum-Special Judge, Siwan is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with G.B. Nagar P.S. Case No. 570 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

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